

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
Greenbelt Division

IN RE:

JASON SCOTT COLLINS

Debtor

Chapter 13

Case No. 20-12681-LSS

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR RESIDENTIAL FUNDING
MORTGAGE SECURITIES I, INC.,
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-S7

Movant

v.

JASON SCOTT COLLINS
25800 BOWMAN ACRES W.
DAMASCUS, MD 20872
(Debtor)

KELLI M. COLLINS
DOWNEY MONROE DUVALL
25804 BOWMAN ACRES LANE
DAMASCUS, MD 20872
(Co-Debtors)

REBECCA A. HERR
185 ADMIRAL COCHRANE DR., SUITE 240
ANNAPOLIS, MD 21401
(Trustee)

Respondents

**MOTION FOR RELIEF FROM AUTOMATIC STAY AND CO-DEBTOR AUTOMATIC
STAY PURSUANT TO 11 U.S.C. § 1301(c)(3)**

U.S. Bank National Association, as Trustee for Residential Funding Mortgage Securities I, Inc., Mortgage Pass-Through Certificates, Series 2007-S7 (“Movant”) by undersigned counsel, respectfully moves this Honorable Court to terminate the Automatic Stay and Co-Debtor

Automatic Stay as to the real property located at 25804 Bowman Acres Lane, Damascus, MD 20872 (“Property”), and, as grounds therefore, states as follows:

1. This proceeding seeking relief under 11 U.S.C. § 362(d) and 11 U.S.C. § 1301(c)(3) of the U.S. Bankruptcy Code is a contested matter within the meaning of 9014 and 4001 of the Federal Rules of Bankruptcy Procedure, and this court has jurisdiction over this matter pursuant to 28 U.S.C. § 157. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(G) and (b)(2)(O). Venue is proper pursuant to 28 U.S.C. § 1409(a).

2. On March 1, 2020, the above named Debtor, Jason Scott Collins (“Debtor”), filed in this court a Petition under Chapter 13 of the United States Bankruptcy Code. Rebecca A. Herr was appointed Chapter 13 Trustee.

COUNT 1
RELIEF FROM AUTOMATIC STAY

3. On or about May 16, 2007, Jason Scott Collins and Kelli M. Collins (collectively the “Obligors”) executed and delivered to Carteret Mortgage Corporation a Note in the amount of SIX HUNDRED FORTY-SIX THOUSAND DOLLARS AND NO CENTS (\$646,000.00), plus interest. A copy of the Note is attached as **Exhibit A** and incorporated herein.

4. To secure the repayment of the sums due under the Note, Jason Scott Collins, Kelli M. Collins, and Downey Monroe Duvall executed and delivered to Carteret Mortgage Corporation a Deed of Trust dated May 16, 2007, encumbering the real property (“Property”) more particularly described in the Deed of Trust:

All that parcel of land located and being in the 12th Election District of Montgomery County, Maryland, assessed under tax account number [REDACTED] as Parcel P888, Map FX62, containing 67.25 acres, known as part of "Richardson's Range" or "Richard's Range" and being described by metes and bounds in liber 234 at folio 82 as follows:

Beginning at a stone marked 29, standing at the end of the 29th line of said tract and running thence with said tract North 28 degrees, East 58 perches to a stone, North 32 degrees East, 50 ½ perches to a stone, then South 68 degrees East 110 perches to a stone, South 42 ½ degrees West, 71 ½ perches to a stone, then North 62 ¼ degrees West, 52 2/10 perches to the beginning. All the bearings requiring three degrees allowance A.D. 1878. Containing 67 ¼ acres of land.

Being all that land obtained in liber 33400 at folio 243.

which has the address of 25804 Bowman Acres Lane, Damascus, MD 20872. A copy of the Deed of Trust is attached as **Exhibit B** and incorporated herein.

5. The Note and Deed of Trust were later transferred to Movant and Movant is the current holder of the Note and Deed of Trust. A copy of the Assignment is attached as **Exhibit C** and incorporated herein.

6. As of December 11, 2020, Debtor owes an unpaid principal balance of \$599,815.43 under the Note, plus additional accruing interest, late charges, attorneys' fees and costs.

Unpaid Principal Balance	\$599,815.43
Unpaid, Accrued Interest	\$312,972.16
Escrow Advance	\$114,348.47
Late Charges	\$1,020.80
BPO	\$170.00
Service Costs	\$763.04
Title Costs	\$868.00
Filing/Court Costs	\$965.00
Recording Fees	\$95.00
Sale Costs	\$1,386.97
Attorney Fees	\$7,550.00
Plan Review	\$325.00
Objection to Confirmation	\$550.00
Proof of Claim Fees	\$575.00
Mailing	\$1.00
Less: Partial Payments	(\$0.00)
Total Outstanding Obligations	\$1,041,405.87

7. As of December 11, 2020, Debtor is post-petition due for April 1, 2020, which includes the following missed payments:

Number of Missed Payments	From	To	Payment Amount	Total Due
8	April 1, 2020	November 1, 2020	\$5,615.34	\$44,922.72
1	December 1, 2020	December 1, 2020	\$5,669.38	\$5,669.38
Suspense:				(\$0.00)
Total Payments Past Due				\$50,592.10

8. A copy of the post-petition payment history is attached as **Exhibit D** and incorporated herein.

9. The Debtor is in default under the Note.

10. The Debtor has not and cannot offer Movant adequate protection of its interest in the Property, and Movant avers it is not adequately protected.

11. That the Debtor's account delinquency constitute cause for relief from the automatic stay.

COUNT II
RELIEF FROM CO-DEBTOR AUTOMATIC STAY

12. The allegations of paragraphs 1 through 11 are incorporated by reference herein.

13. Movant will be irreparably harmed by the continuation of the Co-Debtor Automatic Stay.

14. Cause exists to terminate the Co-Debtor Automatic Stay.

WHEREFORE, U.S. Bank National Association, as Trustee for Residential Funding Mortgage Securities I, Inc., Mortgage Pass-Through Certificates, Series 2007-S7, prays that this Court issue an Order terminating or modifying the Automatic Stay under 11 U.S.C. § 362 and Co-Debtor Automatic Stay under 11 U.S.C. § 1301 as to the property located at 25804 Bowman Acres Lane, Damascus, MD 20872, and granting the following:

a. Relief from the Automatic Stay and Co-Debtor Automatic Stay allowing Movant to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property and/or allowing Movant, through its agents, servicers and representatives to contact Debtor and/or Debtor's counsel for the purpose of engaging in discussions and consideration for possible loss mitigation options, solutions and/or resolutions with regard to the underlying mortgage and note, including, but not limited to loan modification, deed in lieu or other loss mitigation alternatives.

- b. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
- c. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.
- d. That it be exempted from further compliance with Fed. R. Bankr. P. 3002.1 in the instant bankruptcy case.
- e. For such other relief as the Court deems proper.

Date: 12/28/2020

Respectfully submitted,

/s/ Paul J. Moran

James E. Clarke, Bar #15153

John E. Tarburton, Bar #26398

Paul J. Moran, Bar #19595

Elizabeth M. Abood-Carroll, Bar #20631

Orlans PC

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Attorneys for U.S. Bank National Association, as

Trustee for Residential Funding Mortgage

Securities I, Inc., Mortgage Pass-Through

Certificates, Series 2007-S7

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CERTIFICATE OF SERVICE

The undersigned states that on December 28, 2020, copies of the foregoing Motion for Relief from Automatic Stay and Co-Debtor Automatic Stay were filed with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

Rebecca A. Herr
185 Admiral Cochrane Dr., Suite 240
Annapolis, MD 21401
ecf@ch13md.com
Bankruptcy Trustee

David Erwin Cahn
Law Office of David Cahn, LLC
129-10 W. Patrick St., 2nd Fl.
Frederick, MD 21701
cahnd@cahnlawoffice.com
Debtor's Attorney

and I hereby certify that I have caused to be mailed by first class mail, postage prepaid, copies of the foregoing Motion for Relief from Automatic Stay and Co-Debtor Automatic Stay to the following non-ECF participants:

Jason Scott Collins
25800 Bowman Acres W.
Damascus, MD 20872
Debtor

Kelli M. Collins
25804 Bowman Acres Lane
Damascus, MD 20872
Co-Debtor

Downey Monroe Duvall
25804 Bowman Acres Lane,
Damascus, MD 20872
Co-Debtor

/s/ Paul J. Moran

James E. Clarke, Esquire
John E. Tarburton, Esquire
Paul J. Moran, Esquire
Elizabeth M. Abood-Carroll, Esquire

Post-Petition Payment History

Due Date	Payment Amount Due
4/1/2020	\$5,615.34
5/1/2020	\$5,615.34
6/1/2020	\$5,615.34
7/1/2020	\$5,615.34
8/1/2020	\$5,615.34
9/1/2020	\$5,615.34
10/1/2020	\$5,615.34
11/1/2020	\$5,615.34
12/1/2020	\$5,669.38
	Suspense: (\$0.00)
	Total: \$50,592.10